

Opinion of the Court.

NEW ORLEANS FLOUR INSPECTORS *v.* GLOVER.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF LOUISIANA.

No. 88. Argued November 22 and submitted December 2, 1895. — Decided December 9, 1895.

Mills v. Green, 159 U. S. 651, affirmed to the point that when, pending an appeal from the judgment of a lower court, and without any fault of the defendant, an event occurs which renders it impossible for the appellate court, if it should decide the case in favor of the plaintiff, to grant him any effectual relief, the court will not proceed to a formal judgment, but will dismiss the appeal.

THE case is sufficiently stated in the short opinion of the court.

Mr. J. R. Beckwith argued for appellant on the 22d day of November, 1895. At the close of his argument the court adjourned until the 2d day of December following. *Mr. William Wirt Howe* on that day presented himself to argue for appellees, but the court declined to hear further argument in the case.

THE CHIEF JUSTICE: The decree below enjoined appellants from enforcing against appellees act No. 71 of the extra session of the general assembly of Louisiana of 1870, (Session Laws La. Ex. Sess. 1870, 156). This act was repealed June 28, 1892, (No. 23 of 1892, Acts La. 1892, 34,) and the appeal is dismissed on the authority of *Mills v. Green*, 159 U. S. 651.

Appeal dismissed.

Syllabus.

DOUGHERTY v. NEVADA BANK.

ERROR TO THE SUPREME COURT OF THE STATE OF CALIFORNIA.

No. 98. Argued and submitted December 6, 1895. — Decided December 9, 1895.

Wood v. Brady, 150 U. S. 18, affirmed and applied to this case.

THIS was an action brought by the plaintiff in error to foreclose a municipal tax or street assessment lien. In a brief filed for defendant in error it was stated that the judgment here sought to be reversed involved the validity of precisely similar extensions to those sought to be reversed in *Wood v Brady*, 150 U. S. 18, and under the same statute. This statement was not denied or challenged by the counsel for the plaintiff in error.

Mr J C. Bates for plaintiff in error submitted on his brief.

Mr James G Maguire for defendant in error.

Mr John Garber, *Mr John H. Boalt*, and *Mr Thomas B. Bishop* filed a brief for defendant in error.

MR. JUSTICE FIELD The writ of error is dismissed on the authority of *Wood v Brady*, 150 U. S. 18.

Writ dismissed.

TOWNSEND v. VANDERWERKER.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

No. 78. Argued November 20, 1895. — Decided December 16, 1895.

A court of equity in the District of Columbia may take jurisdiction of a bill brought against the administrator and heirs of an intestate, alleging a verbal agreement between the intestate and the plaintiff by which the plaintiff was to contribute one half of the cost of a tract of land and of a dwelling-house to be erected thereon, and the intestate, after entering on the property, was to convey to him a half interest therein,